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Appn. Filed:	March 8, 2002
Applicant:	Philip R. Krause
Customer #:	35197
Title:	Method and apparatus for creating and distributing creative works
Examiner/GAU:	Mary Da Zhi Wang Cheung/3694
Date:	March 24, 2009

Appeal Brief

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The attached appeal brief is submitted in follow-up to the notice of appeal filed on December 29, 2008. The notice of appeal led to an erroneous Notice requiring extension of time fee mailed 1/26/09 (the federal holiday on December 26, 2008 had not been accounted for). While the image file wrapper does not reflect the correction of this error in early February after discussion with Ms. McBride, it appears that the notice of appeal was entered as of 12/29/2008. This appeal brief is thus submitted with a one month extension of time fee.

APPEAL BRIEF

As an applicant not represented by a registered practitioner [37 CFR 41.37(c)(1)], the appellant pro se understands that this brief is required only to substantially comply with the requirements of 37 CFR 41.37(c)(1)(i)-(iv) and (c)(1)(vii)-(x) [MPEP 1206]. In this brief, the appellant will attempt to address all of the items (i) through (x), with the understanding that the critical components required for acceptance of this brief are items (i)-(iv) and (vii)-(x).

(i) Real party in interest.

The real party in interest is the Appellant *pro se*, Philip R. Krause.

(ii) Related appeals and interferences.

To the knowledge of the Appellant *pro se*, there are no related appeals or interferences.

(iii) Status of claims.

Claims 1-20 stand rejected in the final office action (O.A.) of September 26, 2008.

Claims 1-20 are currently being appealed.

Claims 1-2, 6, 8-14, and 17-20 stand rejected under 35 U.S.C. 102(a) as being anticipated by www.bounty.org (October 17, 2000).

Claims 3-5, 7, and 15-16 stand rejected under 35 U.S.C. 103(a) as being

anticipated by www.bounty.org (October 17, 2000) in view of Official notice.

(iv) Status of amendments.

No amendments were submitted or filed subsequent to the final rejection.

(v) Summary of claimed subject matter

A concise explanation of the subject matter in each of the independent claims

involved in the appeal, which refers to the specification by page and line number,

and to the drawings by reference character, is provided beneath each portion of

the claims in italics.

The **claimed invention** (from claim 1) is

1. A method for using a computer system to hold a cooperative auction to

effectuate an action related to a cause comprising, in sequence:

    a) identifying a cause;

    The specification provides examples of causes (involving transfer of

    intellectual property rights to the public domain) related to copyrights (p.

    25, paragraph 0084, et seq) and patents (p. 28, paragraph 0092) as

    examples of causes covered by the invention. Cause is defined (page 13,

    paragraph 0050) as any outcome that benefits a group. Identification of a

    cause is included in the identification step 201 (Fig. 2), and content and

    rights 311 (Fig. 3).

    b) identifying an entity capable of performing an action related to the

    cause;

The owner of a copyright (page 25, paragraph 0084) is provided as an

example of an entity capable of performing an action related to the cause.

Identification of an entity is included in the identification step 201 (Fig. 2),

and the rightholder 303 (Fig. 3) and 403 (Fig. 4).

c) setting parameters for the cooperative auction, said parameters

comprising identifying a price for the action and specifying, via a computer

system, a deadline for receiving pledges earmarked for the action;

Identifying a price and amount of time for a cooperative auction are

described on page 25, paragraph 0085, and in more detail in the

description of Fig. 4 (page 29, paragraph 0094).

d) receiving, via a computer system, before the deadline, a plurality of

pledges of value units earmarked for the action; and

Receipt of bids (pledges) for the cooperative auction is described on

pages 25-32, paragraphs 0085-0097, and in Fig. 4 (Bid aggregator 401).

e) providing consideration to the entity in exchange for performance of the

action, where the consideration comprises value units pledged in step d.

Providing consideration to the entity in exchange for transfer of an

intellectual property right to the public domain is described on page 31,

paragraph 98, with reference to Fig. 4 (provider 405 and the public domain

407).

Independent claim 17 includes limitations in means plus function format.

This claim references a computer storage medium encoded with a computer

program that carries out the method of claim 1. Although this device and

program are described throughout the specification, attention is called to the

description on page 15-18 (paragraphs 61) and shown in Figure 1. The

description on page 15, paragraph 61 is duplicated here for reference:

> [61] The invention is described in the context of a computer system (100)
> as pictured in FIG. 1a, which consists of a Central Processing Unit (102),
> memory and/or storage (which may include random access short term
> memory [104] or long-term storage such as hard disk or other disk drives
> [108]), a Control function (106), and a display device such as a monitor
> (110), and one or more cursor control devices (128). In addition, such
> systems may contain additional means for input such as a keyboard (112),
> auxiliary input (126) and storage devices (130), including scanners (124) ,
> audio input such as a microphone (118), audio output such as amplified
> loudspeakers (120) and access to other computer systems, including the
> Internet, via modem (116) or networks (122) (including wireless
> connections). The various embodiments are described in the context of a
> computer system which is capable of running programs in a Windows®
> environment with the Internet Explorer browser. In a preferred
> embodiment, the computer system comprises a server configured to serve
> content over the Internet.

Further description of this device and machine is provided on page 33,

paragraph 89. Page 33, paragraph 89 is duplicated here:

> [89] It will be apparent to those skilled in the art that the invention
> described herein is not limited to the specific preferred embodiments
> discussed above. For example, the discussion also applies to other
> networks besides the Internet, and includes the use of links and material
> that may be stored anywhere on a network, or even on the user's own
> computer. Moreover, although the discussion describes programs using a
> mouse, keyboard, and display on a Windows platform, those skilled in the
> art will recognize that the invention could also be practiced with input
> devices such as trackballs, joysticks, styluses, light pens, mouses, voice
> recognition systems, touch-sensitive display panels and the like, and could
> also be usefully implemented on any operating system with any browser,
> including platforms such as Macintosh, X-Windows, NextStep, OS2, Motif,
> Unix, Linux, Mac OS X, WebTV, PalmOS, and the like, and including
> browser such as Netscape, Opera, I-Cab, Mozilla and the like. This
> capability extends to future versions of such operating systems and
> browsers. The utility of a customizable start page or portal page is not

either limited to video displays, but also can be practiced using devices
that provide hard copy, audio, olfactory, tactile, or other sensory output to
the user. In addition, it will also be apparent to those skilled in the art that
embodiments of this user interface hiwch provide results equivalent to
those obtained using the methods described above also fall within the
scope of this invention and claims. This invention may also be practiced
on stand-alone machines constructed for this purpose, or on variants of
computer systems, usch as personal digital assistants, cellular
telephones, and the like. Moreover, those skilled in the art will recognize
that this invention or parts of this invention could be practiced using
computer hardware, bypassing the user of software for the purpose of
providing the functionality of this invention. Furthermore, those skilled in
the art will recognize that this invention may be practiced as a part of any
computer program which displays Internet content and links, as defined
broadly herein, including but not limited to browsers, word processors, text
readers (including those which audibly read text) and other text or
graphics display programs. It will also be apparent to those skilled in the
art that various modifications can be made to this invention of a
customizable start/portal page without departing from the scope or spirit of
the invention and claims, including use of different parameters in the setup
process. It is also intended that the present invention cover modifications
and variations of the described user interface within the scope of the
appended claims and their equivalents.

Claim 17 is:

17. A computer storage medium, encoded with a computer program for holding a

cooperative auction to induce an entity to perform an action related to a cause,

comprising:

  a) means for specifying a cause;

  b) means for specifying an entity capable of performing an action related

to the cause;

  c) means for setting parameters for the cooperative auction, said

parameters comprising:

    i) the identity of said entity;

    ii) a price for the action; and

iii) a deadline for receiving pledges earmarked for the action;

d) means for receiving, via a computer system, before the deadline, a

plurality of pledges of value units earmarked for the action; and

e) means for ending the cooperative auction when the price specified in

c.ii is met.

The relevant references to the specification are provided in the analogous

portions of the description of Claim 1.

Independent claim 18 includes limitations in means plus function format.

This claim references a computer system that carries out the method of claim 1.

Although this computer system is described throughout the specification,

attention is called to attention is called to the description on page 15-18

(paragraphs 61) and shown in Figure 1. The description on page 15, paragraph

61 is duplicated here for reference:

> [61] The invention is described in the context of a computer system (100)
> as pictured in FIG. 1a, which consists of a Central Processing Unit (102),
> memory and/or storage (which may include random access short term
> memory [104] or long-term storage such as hard disk or other disk drives
> [108]), a Control function (106), and a display device such as a monitor
> (110), and one or more cursor control devices (128). In addition, such
> systems may contain additional means for input such as a keyboard (112),
> auxiliary input (126) and storage devices (130), including scanners (124) ,
> audio input such as a microphone (118), audio output such as amplified
> loudspeakers (120) and access to other computer systems, including the
> Internet, via modem (116) or networks (122) (including wireless
> connections). The various embodiments are described in the context of a
> computer system which is capable of running programs in a Windows®
> environment with the Internet Explorer browser. In a preferred
> embodiment, the computer system comprises a server configured to serve
> content over the Internet.

Further description of this device and machine is provided on page 33,

paragraph 89. Page 33, paragraph 89 is duplicated here:

[89] It will be apparent to those skilled in the art that the invention
described herein is not limited to the specific preferred embodiments
discussed above. For example, the discussion also applies to other
networks besides the Internet, and includes the use of links and material
that may be stored anywhere on a network, or even on the user's own
computer. Moreover, although the discussion describes programs using a
mouse, keyboard, and display on a Windows platform, those skilled in the
art will recognize that the invention could also be practiced with input
devices such as trackballs, joysticks, styluses, light pens, mouses, voice
recognition systems, touch-sensitive display panels and the like, and could
also be usefully implemented on any operating system with any browser,
including platforms such as Macintosh, X-Windows, NextStep, OS2, Motif,
Unix, Linux, Mac OS X, WebTV, PalmOS, and the like, and including
browser such as Netscape, Opera, I-Cab, Mozilla and the like. This
capability extends to future versions of such operating systems and
browsers. The utility of a customizable start page or portal page is not
either limited to video displays, but also can be practiced using devices
that provide hard copy, audio, olfactory, tactile, or other sensory output to
the user. In addition, it will also be apparent to those skilled in the art that
embodiments of this user interface hiwch provide results equivalent to
those obtained using the methods described above also fall within the
scope of this invention and claims. This invention may also be practiced
on stand-alone machines constructed for this purpose, or on variants of
computer systems, usch as personal digital assistants, cellular
telephones, and the like. Moreover, those skilled in the art will recognize
that this invention or parts of this invention could be practiced using
computer hardware, bypassing the user of software for the purpose of
providing the functionality of this invention. Furthermore, those skilled in
the art will recognize that this invention may be practiced as a part of any
computer program which displays Internet content and links, as defined
broadly herein, including but not limited to browsers, word processors, text
readers (including those which audibly read text) and other text or
graphics display programs. It will also be apparent to those skilled in the
art that various modifications can be made to this invention of a
customizable start/portal page without departing from the scope or spirit of
the invention and claims, including use of different parameters in the setup
process. It is also intended that the present invention cover modifications
and variations of the described user interface within the scope of the
appended claims and their equivalents.

Claim 18 is:

18. A computer system for holding a cooperative auction to induce an entity to perform an action related to a cause, comprising:

a) means for specifying a cause;

b) means for specifying an entity capable of performing an action related to the cause;

c) means for setting parameters for the cooperative auction, said parameters comprising:

i) the identity of said entity;

ii) a price for the action; and

iii) a deadline for receiving pledges earmarked for the action;

d) means for receiving, via a computer system, before the deadline, a plurality of pledges of value units earmarked for the action; and

e) means for ending the cooperative auction when the price specified in c.ii is met.

The relevant references to the specification are provided in the analogous portions of the description of Claim 1.

(vi) Grounds of rejection to be reviewed on appeal

Claims 1-2, 6, 8-14, and 17-20 stand rejected under 35 U.S.C. 102(a) as being anticipated by www.bounty.org (October 17, 2000).

Claims 3-5, 7, and 15-16 stand rejected under 35 U.S.C. 103(a) as being anticipated by www.bounty.org (October 17, 2000) in view of Official notice.

Claims 1 and 5 constitute one claim grouping (A.1), claims 2, 8-14, and 20 constitute one claim grouping (A.2), claim 17 constitutes one claim grouping (A.3), claims 18 and 19 constitutes one claim grouping (A.4), and claims 3-4, 7, and 15-16 constitute one claim grouping (B.1).

(vii) Argument

After summarizing the references cited in the final rejection, the arguments related to each of the claim rejections are made.

Summary of the references cited in the final rejection.

Prior to presenting the appellant's argument, appellant will first discuss the references relied upon by the PTO in the final rejection of the claims.

www.bounty.org (October 17, 2000) discloses a system for inducing the creation of a piece of technology. Individuals interested in the creation of that technology may make contributions (in aggregate, the "bounty") that can be claimed by the ultimate creator in exchange for that technology.

Official notice taken by the Examiner includes

That it was well-known in the art at the time the invention was made to include a time limitation, such as a deadline, within an agreement for the purposes of ensuring that performance under the agreement is ccomlished in timely manner consistent with the goals of the parties to the agreement. (Final O.A., page 8).

That it was old and well-known in the art at the time the invention was made for a bidder to include an expiration time on a bid, for the purpose of providing predictability for the bidder regarding outstanding potential financial obligations (Final O.A., page 8).

That it was old and well-known in the art at the time the invention was made to utilize only valid bids in an auction or similar system, for the purpose of ensuring the integrity of the auction (Final O.A., page 9).

That it was old and well-known in the prior art at the time the invention was made that new technologies, in particular software, may be covered by a wide-range of intellectual properties, including copyrights and patents, for the purpose of promoting the useful arts and sciences by providing specified rights and protections to the innovator (Final O.A., pp. 9-10).

A. Claims 1-2, 6, 8-14, and 17-20 stand rejected under 35 U.S.C. 102(a) as being anticipated by www.bounty.org (October 17, 2000).

Because all of the other claims are dependent upon claims 1, 17, and 18, a successful argument on these claims will also apply to the others. Due to the similarity of the arguments, these arguments are presented in detail in Section A.1, with the understanding that the same arguments apply to claims 17 and 18, which are considered parts of different claim groupings due to their independence from one another.

1. Independent claim 1 and dependent claim 5.

The appellant believes that the final Office Action rejecting the pending claims was in error, and thus submits this appeal. The appellant's argument is that following the steps cited by the Examiner does not lead to the Applicant's invention, and thus, rejection of the application as being anticipated by Bounty is improper.

Claim 1 is:

1. A method for using a computer system to hold a cooperative auction to effectuate an action related to a cause comprising, in sequence:

> a) identifying a cause;

> > *The Examiner cites Bounty, paragraph 1 under the heading "The proposal", the first two paragraphs under the heading "To get more specific:", and the section "Writing the bounty:" as anticipating identifying a cause. In the case of Bounty as cited, the cause is development of software or another piece of technology.*

> b) identifying an entity capable of performing an action related to the cause;

> > *The Examiner cites Bounty, second paragraph under the heading "The proposal:", and the fourth paragraph under the heading "To get more specific:". In the Examiner's construction, the "entity" corresponds to people who can add to the bounty, while in the Appellant's application and*

construction, the entity is the ultimate recipient of the bids, who will then,

for example, donate intellectual property to the public domain.

c) setting parameters for the cooperative auction, said parameters

comprising identifying a price for the action

The Examiner cites Bounty, fourth paragraph under the heading

"To get more specific" and the content under the heading "Fees" as

demonstrating the identification of a price for the action. In the Examiner's

construction, the action is each individual bid (based on the description of

how Bounty anticipates Claim 1b). However, in Bounty, no price is

identified for any individual bid, and thus, this step does not take place.

Moreover, no price is even pre-identified in Bounty for the aggregate bids

of all individuals who participate, further demonstrating that no analogous

step takes place. According to the Examiner's argument re: 1b, the action

is adding to the bounty (and is not developing the software). In Bounty, no

price is ever identified for adding to the bounty. Thus, if Bounty is

considered to anticipate 1b according to the Examiner's construction,

Bounty clearly does not anticipate the first part of 1c.

and specifying, via a computer system, a deadline for receiving pledges

earmarked for the action;

The Examiner cites Bounty, second paragraph under the heading

"The proposal:" and the third and fourth paragraphs under the heading "To

get more specific:" as indicating a deadline. The Examiner states that the

deadline for receiving bids would be when a developer uploads the developed software and the bounty is awarded. The Examiner further notes that Bounty discloses contingency plans for unclaimed, unmet, or expired bounties (item 6 under "Writing the bounty:" and the second paragraph under "Adding to the bounty").

In the Examiner's construction, the "deadline" is whatever time the bounty is awarded—thus, the Examiner's construction does not meet any definition of the term "deadline". All definitions of the term deadline (see, for example, www.dictionary.com which aggregates definitions from several different respected dictionaries) indicate that a deadline is a set time by which an action must occur—a deadline is thus never defined as the time at which an action actually occurs. The claim language clearly states "specifying a deadline"—the Examiner's definition of deadline is anything but specific, and cannot be construed as specifying a deadline. The Examiner argues that the Appellant is relying on "special definitions for "deadline", "agreement", "time limitation" (O.A., page 3, paragraph 1). However, the Appellant is using these terms as they are defined in dictionaries, and it is the Examiner who is insisting on definitions that are inconsistent with their meaning.

Moreover, according to the Examiner's argument re: 1b, the action is adding to the bounty. Thus, for Bounty to anticipate 1c, the deadline would need to be a deadline for receiving pledges earmarked for the action of adding to the bounty (not a deadline for developing the software,

because according to the Examiner, the entity of 1b is NOT the software

developer). There simply is no deadline in Bounty for receiving pledges

earmarked for the action of adding to the bounty. Thus, if Bounty is

considered to anticipate 1b, it cannot anticipate either part of 1c.

d) receiving, via a computer system, before the deadline, a plurality of

pledges of value units earmarked for the action; and

The Examiner cites Bounty, second paragraph under the heading

"The proposal:" and the third and fourth paragraphs under the heading "To

get more specific:". These sections do not include a deadline as

described in step 1c, which would be required to meet step 1d.

Moreover, because the "action" is adding to the bounty (according

to the Examiner's argument re: 1b, a plurality of pledges of value units

earmarked for adding to the bounty would need to be received before the

deadline. This is not described and does not happen in Bounty.

e) providing consideration to the entity in exchange for performance of the

action, where the consideration comprises value units pledged in step d.

The Examiner cites Bounty, second paragraph under the heading

"The proposal:" and the third and fourth paragraphs under the heading "To

get more specific:". However, the Examiner does not indicate how these

paragraphs might anticipate step 1e. In order to anticipate claim 1e,

consideration comprising value units pledged in step 1d would have to be

provided to the entity (according to the Examiner in argument re: claim 1b,

this would be the people who can add to the Bounty, and are thus making

the pledges) in exchange for performance of the action. However, the

action as defined by the Examiner is the offering of the pledges

themselves (see step 1b above). Thus, according to the Examiner's

construction in Bounty, the people who can add to the Bounty (according

to the Examiner, the entity) would need to be provided the value units that

they themselves pledged in step 1d **as consideration in exchange for**

making the pledges in the first place. In the Examiner's interpretation (of

step 1c, O.A. page 5, describing the deadline), the bounty is awarded

when the developed software is uploaded, and thus, the bounty is

provided to the developer, not to the people who can add to the Bounty. It

makes no sense, does not occur in Bounty, and is inconsistent both with

the Examiner's construction, and with any dictionary definition of the word,

"consideration" to provide the pledges to the people who can add to the

bounty as consideration in exchange for making those pledges (defined by

the Examiner as the action in step 1b) themselves.

Moreover, the Examiner's rejection of the dependent claims 2, 19,

8-14 and 20 (page 6), claims 3 and 4 (page 8), claims 7, 15 and 16 (page

9) relies upon an interpretation of the "entity" completely different from that

used by the Examiner in arguing against step 1b, that analogous to the

developer in Bounty. However, if the entity were the developer of the

software, then the Examiner's argument against the remainder of claim 1

would not be valid, because in Bounty, the developer (in this construction,

the entity in step 1b) is not prospectively identified, and in Bounty, no price

or deadline (step 1c) is identified. Thus, the Examiner is inconsistently

defining the "entity" in Bounty, although neither of the two definitions

anticipates the claims of the present invention.

Dependent claims 2-16 (including claim 5) are also patentable due to their dependence on claim 1.

2. Dependent claims 2, 8-14, and 20

Dependent claims 2-16, and 19-20 are allowable because they are dependent upon an allowable independent claim (see arguments under A.1, A.4). Moreover, in the rejection of dependent claims 2, 19, 8-14 and 20 (page 6), claims 3 and 4 (page 8), claims 7, 15 and 16 (page 9), the Examiner posits that the entity is the developer of the software in Bounty. If the entity were the developer of the software, then the Examiner's argument against the remainder of claim 1 also would not be valid, because in Bounty, the developer (in this construction, the entity in step 1b) is not prospectively identified, and in Bounty, no price or deadline (step 1c) is identified. Thus, rejection of these dependent claims relies on contradictory definitions of the entity to simultaneously address the language both in the independent and dependent claims, and should thus be reversed.

3. Independent claim 17.

The appellant believes that the final Office Action rejecting the pending claims was in error, and thus submits this appeal. The appellant's argument is that following the steps cited by the Examiner does not lead to the Applicant's invention, and thus, rejection of the application as being anticipated by Bounty is improper.

As a device claim independent of method claim 1, claim 17 is required to be considered separately. However, the Examiner's rejection of claim 17 is based on arguments identical to the rejection of claim 1, and the arguments in favor of claim 17 are identical to those in favor of claim 1. Thus, those arguments are hereby incorporated by reference.

4. Independent claim 18 and dependent claim 19.

The appellant believes that the final Office Action rejecting the pending claims was in error, and thus submits this appeal. The appellant's argument is that following the steps cited by the Examiner does not lead to the Applicant's invention, and thus, rejection of the application as being anticipated by Bounty is improper.

As a system claim independent of method claim 1, the argument for claim 18 is required to be considered separately. However, the Examiner's rejection of claim 18 is based on arguments identical to the rejection of claim 1, and the arguments in favor of claim 18 are identical to those in favor of claim 1. Thus, those arguments are hereby incorporated by reference.

Dependent claim 19 is patentable because it is dependent upon an

allowable independent claim (claim 18).

B. Claims 3-5, 7, and 15-16 stand rejected under 35 U.S.C. 103(a) as being anticipated by www.bounty.org (October 17, 2000) in view of Official notice.

1. Dependent claims 3, 4, 7, and 15-16

Dependent claims 2-16, and 19-20 are allowable because they are

dependent upon allowable independent claims (see arguments under A.1, A.4).

In the rejection of dependent claims 2, 19, 8-14 and 20 (page 6), claims 3 and 4

(page 8), claims 7, 15 and 16 (page 9), the Examiner posits that the entity is the

developer of the software in Bounty. If the entity were the developer of the

software, then the Examiner's argument against the remainder of claim 1 also

would not be valid, because in Bounty, the developer (in this construction, the

entity in step 1b) is not prospectively identified, and in Bounty, no price or

deadline (step 1c) is identified. Thus, rejection of these dependent claims relies

on contradictory definitions of the entity to simultaneously address the language

both in the independent and dependent claims, and should thus be reversed.

viii. Claims Appendix

1. A method for using a computer system to hold a cooperative auction to

effectuate an action related to a cause comprising, in sequence:

a) identifying a cause;

b) identifying an entity capable of performing an action related to the cause;

c) setting parameters for the cooperative auction, said parameters comprising identifying a price for the action and specifying, via a computer system, a deadline for receiving pledges earmarked for the action;

d) receiving, via a computer system, before the deadline, a plurality of pledges of value units earmarked for the action; and

e) providing consideration to the entity in exchange for performance of the action, where the consideration comprises value units pledged in step d.

2. The method of claim 1, further comprising the step of: entering an agreement with the entity, the agreement containing a condition such that, if the condition is met, the entity agrees to take the action.

3. The method of claim 2, wherein the agreement is entered prior to receipt of pledges, and wherein the agreement specifies a time limitation related to payment of the price.

4. (Currently amended) The method of claim 3, wherein the time limitation comprises a deadline for receiving pledges.

5. The method of claim 4, wherein the plurality of pledges are made by at least one bidder, and the at least one bidder may set an expiration time for his pledge.

6. The method of claim 2, wherein the condition is that the total amount of pledges equals a predetermined price.

7. The method of claim 5, wherein a bidder's pledge results in a transfer of value units from the bidder if the condition is met prior to expiration of the pledge.

8. The method of claim 2, wherein the entity is the holder of an intellectual property right, and the cause is the extinguishment of the intellectual property right.

9. The method of claim 8, wherein the action is renunciation of said intellectual property right.

10. The method of claim 8, wherein the extinguishment of the intellectual property right is effectuated by transferring the intellectual property right to a second entity, wherein the second entity has represented that it will not enforce the intellectual property right.

11. The method of claim 8, wherein the intellectual property right is a copyright right.

12. The method of claim 11, wherein the copyright right is the right of electronic distribution of a copyrighted work.

13. The method of claim 11, wherein the copyright right is the right to reproduce a copyrighted work.

14. The method of claim 11, wherein the copyright right is the right to make a derivative work of a copyrighted work.

15. The method of claim 9, wherein the intellectual property right is a patent right.

16. The method of claim 15, wherein the patent right is a license to manufacture a product for a particular purpose.

17. A computer storage medium, encoded with a computer program for holding a cooperative auction to induce an entity to perform an action related to a cause, comprising:

    a) means for specifying a cause;

    b) means for specifying an entity capable of performing an action related to the cause;

    c) means for setting parameters for the cooperative auction, said parameters comprising:

        ei) the identity of said entity;

  ii) a price for the action; and

  iii) a deadline for receiving pledges earmarked for the action;

d) means for receiving, via a computer system, before the deadline, a

plurality of pledges of value units earmarked for the action; and

e) means for ending the cooperative auction when the price specified in

c.ii is met.

18. A computer system for holding a cooperative auction to induce an entity to

perform an action related to a cause, comprising:

a) means for specifying a cause;

b) means for specifying an entity capable of performing an action related

to the cause;

c) means for setting parameters for the cooperative auction, said

parameters comprising:

  ei) the identity of said entity;

  ii) a price for the action; and

  iii) a deadline for receiving pledges earmarked for the action;

d) means for receiving, via a computer system, before the deadline, a

plurality of pledges of value units earmarked for the action; and

e) means for ending the cooperative auction when the price specified in

c.ii is met.

19. The system of claim 18, further comprising means for entering an agreement with the entity, the agreement containing a condition such that, if the condition is met, the entity agrees to take the action.

20. The system of claim 19, wherein the entity is the holder of an intellectual property right, and the cause is the extinguishment of the intellectual property right.

ix. Evidence Appendix

Evidence supporting the arguments in this brief are found in the Examiner's final
Office Action, and the references that were cited in said Office Action.

x. Related Proceedings Appendix

There are no related proceedings known to the Appellant.

Conclusion

For the foregoing reasons, the appellant submits that the rejections of the claims

should be reversed.

Very Respectfully,

/Philip R. Krause/

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